

**DEPARTMENT OF EDUCATION**  
**SPECIAL EDUCATION PROGRAMS**  
**Wall School District**  
**Accountability Review - Monitoring Report 2011-2012**

**Team Members:** Chris Sargent, Team Leader; Rita Pettigrew and Dave Halverson, Team Members

**Dates of On Site Visit:** September 12, 2011

**Date of Report:** October 6, 2011

**All non-compliance must be corrected within 1 year of this report date. Date Closed:**

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
  - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
  - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
  - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
  - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

**Deficiency correction procedures.**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

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## **1. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD 24:05:24.01:01. Students with disabilities defined.** Students with disabilities are students evaluated in accordance with chapter 24:05:25 as having autism, deaf-blindness, deafness, hearing loss, cognitive disability, multiple disabilities, orthopedic impairment, other health impairments, emotional disturbance, specific learning disabilities, speech or language impairments, traumatic brain injury, or vision loss, including blindness, which adversely affects educational performance, and who, because of those disabilities, need special education or special education and related services. If it is determined through an appropriate evaluation, under chapter 24:05:25, that a student has one of the disabilities identified in this chapter, but only needs a related service and not special education, the student is not a student with a disability under this article. If, consistent with this chapter, the related service required by the student is considered special education, the student is a student with a disability under this article.

### **Corrective Action:**

**Prong 1: Correct each individual case of noncompliance** (Briefly describe the issues found surrounding this ARSD)  
Through a review of student records and interview, the monitoring team identified two students who were receiving related services without the benefit of special education.

**File Number(s)** (List all file numbers and the issues associated with each file)

Student # 1: This student is identified on the December 1, 2010 child count under the eligibility category of Hearing Impaired (515). The only specialized instruction provided to this student is by the speech/language pathologist as a related service.

Student #2: This student is identified on the December 1, 2010 child count under the eligibility category of Developmental Delay (570). The only specialized instruction provided to this student by highly qualified staff is the in the areas of fine motor (by the Occupational Therapist) and gross motor (by the Physical Therapist). The child attends Head Start but is not receiving specialized instruction on the pre-academic goals from highly qualified staff.

**Required Action:** (Describe the action steps the district must take to correct each file)

Student #1: The IEP team must meet and determine if this student requires special education services in addition to the related service. If so, the IEP must be amended to include the required special education services. In the event special education services are not required by the student the IEP must review the eligibility of the student and consider if 515 is the appropriate eligibility category or if the student would more appropriately be considered eligible under the category of Speech/Language (550).

Student #2: The IEP team must meet and amend the IEP to provide special education service to the student by highly qualified staff.

**Data To Be Submitted:** (Describe the specific data that must be submitted for each file)

Student #1: Submit the prior notice for the meeting to determine if special education is needed or if the student is reported under the appropriate eligibility category. Submit the team decision and the amended IEP and/or the amended eligibility document if the category is changed.

Student #2: Submit the prior notice for the meeting to amend the IEP and a copy of the IEP amendment that describes the special education service to be provided to the student.

**Timeline for Completion:** (Document the specific date by which the district must have all individual corrections made and documentation submitted to the team leader.

**October 31, 2011**

**Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**

**Required Action:** (Describe specifically, who and what steps must be taken by the district to verify continued compliance with the ARSD)

The IEP teams must consistently address the special education needs of the student before determining the need for related services.

**Data To Be Submitted:** (Describe specifically, what data and by whom must be submitted to verify continued compliance with the ARSD)

The district must submit a copy of all IEPs developed within the next 3 month in which a related service is provided (i.e. OT, PT, and Speech).

**Target Date for Completion:** (Document the specific date by which the district must verify continued correction and submitted documentation to the team leader.

**December 31, 2011**

**All non-compliance must be corrected within 1 year of this report date.**

**Date:**

**Status Report:**

## **2. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD 24:05:25:04. Evaluation procedures -- General.** School districts shall ensure, at a minimum, that evaluation procedures include the following:

(5) A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child, including information provided by the parents that may assist in determining:

- (a) Whether the child is a child with a disability; and
- (b) The content of the child's IEP, including information related to enabling the child:
  - (i) To be involved in and progress in the general education curriculum; or
  - (ii) For a preschool child, to participate in appropriate activities;

### **Corrective Action:**

**Prong 1: Correct each individual case of noncompliance** (Briefly describe the issues found surrounding this ARSD)

Through a review of student records and interview the monitoring team noted that skill based assessment was not conducted in four student files reviewed.

**File Number(s)** (List all file numbers and the issues associated with each file)

Student #s 2, 4, 5 and 6: There was no skill based assessments conducted to base the content of the IEP (link to evaluation).

**Required Action:** (Describe the action steps the district must take to correct each file)

Student #s 2, 4, 5 and 6: The district must conduct additional evaluation to gather skill based assessment in the areas of disability for each of these students. Evaluation reports must be written and copies provided to parents. The IEP teams must meet to amend the present levels of academic achievement and functional performance (PLAAFP) and use the skill base assessment to develop the content of the IEP (PLAAFP).

**Data To Be Submitted:** (Describe the specific data that must be submitted for each file)

Student #s 2, 4, 5 and 6: The district must submit the prior notice/consents for the administration of the skill based assessment, the prior notice for the meeting to amend the IEPs and the amended IEP that include the skill based information to develop the PLAAFP.

**Timeline for Completion:** (Document the specific date by which the district must have all individual corrections made and documentation submitted to the team leader.

**October 31, 2011**

**Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**

**Required Action:** (Describe specifically, who and what steps must be taken by the district to verify continued compliance with the ARSD)

The district must consistently implement skill based assessment as part of the evaluation process and develop evaluation reports that can be given to parents. The skill based assessment must be used when determining eligibility/educational impact and used in the development of the student's educational program (IEP).

**Data To Be Submitted:** (Describe specifically, what data and by whom must be submitted to verify continued compliance with the ARSD)

Each special education teacher (3) must submit the following documents for one student who has been initially evaluated or reevaluation since the on-site review:

- 1) Referral (initial only)
- 2) prior notice/consent for evaluation
- 3) evaluation reports (including skill based assessment)
- 4) eligibility document
- 5) IEP

**Target Date for Completion:** (Document the specific date by which the district must verify continued correction and submitted documentation to the team leader.)

**December 31, 2011**

**All non-compliance must be corrected within 1 year of this report date.**

**Date:**

**Status Report:**

### **3. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD 24:05:27:01.02. Development, review, and revision of individualized education program.** In developing, reviewing, and revising each student's individualized education program, the team shall consider the strengths of the student and the concerns of the parents for enhancing the education of their student, the results of the initial or most recent evaluation of the student, the academic, developmental, and functional needs of the student. The individualized education program team also shall:

(1) In the case of a student whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports and other strategies to address that behavior;

#### **Corrective Action:**

**Prong 1: Correct each individual case of noncompliance** (Briefly describe the issues found surrounding this ARSD)

Through a review of student records the monitoring team identified two students with behavior needs that were not addressed when considering special factors during the development of the IEP.

**File Number(s)** (List all file numbers and the issues associated with each file)

Student #2: This student was identified on child count under the category of 525 on child count. Significant behavior concerns were identified during the evaluation process. Potential concerns regarding ADHD were discussed at the meeting. When considering special factors during the development of the IEP the team indicated the student did not have any behavior concerns.

Student #5: This student was identified on child count under the category of Other Health Impaired (555) due to a diagnosis of ADHD. When considering special factors during the development of the IEP the team indicated the student did not have any behavior concerns. Evaluation and diagnosis indicated otherwise. Positive intervention strategies were not developed to address the students behavior issues

**Required Action:** (Describe the action steps the district must take to correct each file)

Student #s 2 and 5: The IEP team must conduct additional evaluation to gather skill based assessment in the areas of behavior for each of these students. (Refer to General Supervision #2 above) Evaluation reports must be written and copies

provided to parents. The IEP teams must meet to amend the present levels of academic achievement and functional performance (PLAAFP) and use the skill base assessment to develop the content of the IEP (PLAAFP). The IEP team must also develop positive intervention strategies that their teachers must implement to address the behavior needs of these students.

**Data To Be Submitted:** (Describe the specific data that must be submitted for each file)

Student #s 2 and 5: The district must submit the prior notice/consents for the administration of the skill based assessment, the prior notice for the meeting to amend the IEPs and the amended IEPs that include the skill based information to develop the PLAAFP and consideration of special factors that include positive intervention strategies addressing the student's behavior.

**Timeline for Completion:** (Document the specific date by which the district must have all individual corrections made and documentation submitted to the team leader.

**October 31, 2011**

**Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**

**Required Action:** (Describe specifically, who and what steps must be taken by the district to verify continued compliance with the ARSD)

The district must review and revise current policy, procedure and practice to ensure that consideration for special factors (behavior impedes learning) is appropriately addressed in the IEPs for students with behavior based disabilities and other behavior concerns.

**Data To Be Submitted:** (Describe specifically, what data and by whom must be submitted to verify continued compliance with the ARSD)

The district must submit the IEPs for two students which the IEP team developed positive intervention strategies and support.

**Target Date for Completion:** (Document the specific date by which the district must verify continued correction and submitted documentation to the team leader.

**December 31, 2011**

**All non-compliance must be corrected within 1 year of this report date.**

**Date:**

**Status Report:**

#### **4. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD 24:05:27:01.03. Content of individualized education program.** Each student's individualized education program shall include:

(3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:

- (a) To advance appropriately toward attaining the annual goals;
- (b) To be involved and make progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and
- (c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;

#### **§300.320 (a)(7) Comment Initiation, Frequency, Location and Duration of Services**

What is required is that the IEP include information about the amount of services that will be provided to the child, so that the level of the agency's commitment of resources will be clear to parents and other IEP Team members. The amount of time to be committed to each the various services to be provided must be appropriate to the specific service and clearly state in the IEP in a manner that can be understood by all involved into the development and implementation the IEP.

### Corrective Action:

**Prong 1: Correct each individual case of noncompliance** (Briefly describe the issues found surrounding this ARSD)  
Through a review of student records the monitoring team noted the amount of time to be committed to specific services was not documented in the students IEP.

**File Number(s)** (List all file numbers and the issues associated with each file)

Student #5: The only service noted for this student was 55 minutes daily for study hall in the resource room.

**Required Action:** (Describe the action steps the district must take to correct each file)

Student #5: The IEP team is to meet and amend the special education services to be provided in this student's IEP and specifically address the specialized instruction needed.

**Data To Be Submitted:** (Describe the specific data that must be submitted for each file)

Student #5: Documentation submitted for General Supervision #1 and #5 will be used to verify correction to this issue.

**Timeline for Completion:** (Document the specific date by which the district must have all individual corrections made and documentation submitted to the team leader.)

**October 31, 2011**

**Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**

**Required Action:** (Describe specifically, who and what steps must be taken by the district to verify continued compliance with the ARSD)

The district must review and revise current policy, procedure and practice to ensure that the amount of time to be committed to each of the various services to be provided must be appropriate to the specific service and clearly stated in the IEP in a manner that can be understood by all involved who develop and implement the IEP.

**Data To Be Submitted:** (Describe specifically, what data and by whom must be submitted to verify continued compliance with the ARSD)

Documentation submitted for General Supervision #2 will be used to verify correction to this finding.

**Timeline for Completion:** (Document the specific date by which the district must verify continued correction and submitted documentation to the team leader.)

**December 31, 2011**

**All non-compliance must be corrected within 1 year of this report date.**

**Date:**

**Status Report:**

### 5. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

**ARSD 24:05:25:07. Additional procedures for evaluating specific learning disabilities.** In order for a school district to certify a child as learning disabled for purposes of the federal child count, requirements in §§ 24:05:24.01:19 and 24:05:25:08 to 24:05:25:13, inclusive, must be met and documented in a child's record.

### Corrective Action:

**Prong 1: Correct each individual case of noncompliance** (Briefly describe the issues found surrounding this ARSD)

Through a review of student records the monitoring team found that the district did not document the additional procedures required in order to determine a student eligible under the category of specific learning disability.

**File Number(s)** (List all file numbers and the issues associated with each file)

**Student #2:** This student was evaluated and determined eligible under the category of specific learning disability. The IEP team did not document the additional procedures for determining if the student meets the requirements for specific learning disability.

**Required Action:** (Describe the action steps the district must take to correct each file)

Student #2: The district must gather the required data, hold an IEP team meeting and revise the multidisciplinary team/eligibility report for this student to support eligibility under the category of specific learning disability.

**Data To Be Submitted:** (Describe the specific data that must be submitted for each file)

Student #2: The district must submit a copy of the prior notice for the meeting and a copy of the revised multidisciplinary team/eligibility report.

**Timeline for Completion:** (Document the specific date by which the district must have all individual corrections made and documentation submitted to the team leader.)

**October 31, 2011**

**Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**

**Required Action:** (Describe specifically, who and what steps must be taken by the district to verify continued compliance with the ARSD)

The district must review the forms team members are currently using for determining the existence of a specific learning disability and determining eligibility and ensure the form used contains all required content.

**Data To Be Submitted:** (Describe specifically, what data and by whom must be submitted to verify continued compliance with the ARSD)

District must submit a copy of a multidisciplinary team/eligibility report for the next student who is initially evaluated or reevaluated for a specific learning disability.

**Timeline for Completion:** (Document the specific date by which the district must verify continued correction and submitted documentation to the team leader.)

**December 31, 2011**

**All non-compliance must be corrected within 1 year of this report date.**

**Date:**

**Status Report:**

## **State Performance Plan – Performance Indicators**

### **Indicator 1 – Graduation Rate**

Percent of youth with IEP's graduating from high school with a regular diploma.

District Policy, Procedure and Practice:

The districts graduation rate was 100% compared to the State target of 83%. The special education staff work closely with the students and their families to ensure students have the credits they need to graduate. The staff encourages and support students so they achieve passing grades. The district implements Project Skill which provides students with hands-on learning in the real world.

### **Indicator 3 – Participation/Performance on Assessment**

A-Percent of districts meeting the State's AYP objectives for progress for disability subgroup

B -Participation rate for children with IEP's in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.

C-Proficiency rate for children with IEP's against grade level standards and alternate achievement standards.

**District Policy, Procedure and Practice:**

The district achieved a 62% compared to the State target of 72%. Our goal is to increase to a rate of 75% by implementing staff development in the area of reading in the content area strategies, differentiated instruction, achievement series and supplemental books and material.